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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/837,627	04/19/2001	Jesse Perla	1351829.0015	8081

25681 7590 06/21/2004

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EXAMINER

STEVENS, ROBERT

ART UNIT	PAPER NUMBER
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2176

DATE MAILED: 06/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/837,627

Applicant(s)

PERLA ET AL.

Examiner

Robert M Stevens

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 April 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/6/2002.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claim 1 is pending in Application No. 09/837,627, entitled "Method and System for Building Internet-based Applications", filed April 19, 2001, claiming benefit by virtue of CIP filed 12/23/1999.
2. IDS filed February 6, 2002 is acknowledged and included in this communication.
3. Acknowledgement is made of a claim for foreign priority under 35 USC 119 (a)-(d) or (f), however no certified copies of priority documents have been received.
4. Acknowledgement is made of a claim of domestic priority under 35 USC 120 for CIP having US Patent Application No. 09/12/23/1999.

Drawings

5. New corrected drawings are required in this application because (a) many drawings are hand drawn, and in certain instances, barely legible; and (b) there are numerous inconsistencies between the reference numbers in the drawings and the specification (such as portal 106 vs. Internet 106, telephone 102 vs. device 102, display 112 vs. computer system 112 vs. server 112, database 116/118 vs. database 216/218). Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

6. Figures 9 a-c, 10 a-b and 11 were not addressed in the specification. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

7. The abstract of the disclosure is objected to because it merely reiterates claim 1. Correction is required. See MPEP § 608.01(b).

8. Page 2 lines 17-19 incorporate by reference a proprietary manual ("HDML Language Reference ..."). A copy of this document needs to be included in the prosecution history. Please submit the referenced document as an IDS filing or as an Appendix to an amended specification.

9. The disclosure is objected to because of the following informalities:

a. Page 5 line 28 states that "Figure 16 is a schematic diagram," when a screen capture appears in the referenced figure.

b. Page 6 line 14: Please expand all acronyms before first use (PSTN). Additionally, PSTN is described here as a cellular network, but the common expansion of that acronym is for a landline network. Please explain.

c. Page 9 lines 10 and 16: A "plurality" of style sheets is not reflected in the figures.

d. Please correct all grammatical/spelling/run on sentences/etc. errors throughout the specification, such as: 1. page 9 line 31 double period ("..") and run on sentence beginning "The runtime"; 2. page 32 line 4 "test" should be "text"; 3. page 13 lines 29-30 a new paragraph should be started when discussing a new figure.

e. Page 9 line 30: Is a HML processor [no reference number provided] a run time processor 204 or a HML application 202?

f. Page 16 line 21: The acronym/system "SOAP" was not defined in the specification, and not reflected in the figures.

10. Appropriate correction of the above issues is required.

Claim Rejections - 35 USC § 112

11. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

12. **Claim 1 is rejected under 35 U.S.C. 112, first paragraph**, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Regarding claim 1, step "c" (recursively traversing ... or toolbars) was not described in the specification. For purposes of examination, the Office considers this limitation to encompass "recursively traversing schema information".

13. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

14. **Claim 1 is rejected under 35 U.S.C. 112, second paragraph**, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, there is insufficient antecedent basis for the limitation "each element" in step "d".

Further regarding claim 1, the term "appropriate" in step "b" is a relative term, which renders the claim indefinite. The term "appropriate" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. For purposes of examination, the Office considers this term to encompass "at least 0".

15. **Claim 1 is rejected under 35 U.S.C. 103(a)** as being unpatentable over Lau (US Patent No. 6,598,219, foreign filed on Nov. 30, 1998) in view of North et al., Sam's Teach Yourself XML in 21 Days, Sam's Publishing, March 1999, pages 459-465 and 471-480 (hereafter "North"), and further in view of Loeb et al. (US Patent Application publication No. 2004/0078273, filed Dec. 8, 1999, hereafter referred to as "Loeb").

Regarding independent (method) claim 1, Lau discloses:

A method for building a web-based application comprising:

(a) displaying a top level menu of types; (Fig. 2, pane #21 shows a top level menu of types, with folder icons #120 and 140 selected/expanded to show further levels)

(b) showing within each level appropriate schemas; (Fig. 2 folder icons #150 and 160 reference icon folders for containing at least 0 (as appropriate) schemas)

Lau further discloses a portion of step (c):

to build cascading menus or toolbars; (Fig. 2, pane #21 shows a cascading menu of types, with folder icons #120 and 140 selected/expanded to show further detail)

However, Lau does not explicitly disclose the rest of step (c):

(c) recursively traversing the schema information (p. 465, especially the first sentence under the heading "The Default Template Rule", teaching that the XSL processor recursively processes the XML document tree to product an output tree)

North, though, discloses this limitation on p. 465, especially noting the first sentence under the heading "The Default Template Rule", teaching that the XSL processor recursively processes the XML document tree to product an output tree).

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of North for the benefit of Lau because to do so allowed a programmer to process all the children of a matched source element as taught by as taught by North (see p. 471, the last sentence under the heading "Processing", continuing through the first sentence under the heading "Direct Processing").

Lau does not explicitly disclose:

(d) showing for each element all attributes; and

Loeb, however, discloses this limitation in Fig. 3A and 3B, showing an exemplary schema with elements/attributes, Fig. 4 showing populated attributes of Fig. 3A/3B, and the Fig. 7 GUI form establishing a visual nexus between all the attributes listed in Fig 3A/3B and 4 and the fields in Fig. 7.

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Loeb for the benefit of Lau in view of North because to do so would ensure a high degree of security without unduly burdening a secondary merchant (recipient of the populated schema) as taught by Loeb at col 6 para 0095.

Lau does not explicitly disclose:

(e) building a fully qualified path or relative path based on XSL patterns when a programmer selects a level.

North, however discloses this limitation on pp. 472-473 in code listing 20.11, especially lines numbered 30-37 in which the programmer uses a "for-each" construct to selectively build/traverse a relative path "CDs/CD" based upon XSL parameters.

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of North for the benefit of Lau and Loeb because to do so would allow a programmer to recursively process an XML file using a for-each construct as taught by North in the code listing on pp. 472-473, see especially the title of the listing.

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Loeb for the benefit of Lau in view of North because

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to do so would ensure a high degree of security without unduly burdening a secondary merchant (recipient of the populated schema) as taught by Loeb at col 6 para 0095.

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Non-patent Literature

Royappa, Andrew V., "Implementing Catalog Clearinghouses with XML and XSL", SAC '99 San Antonio, TX (©1999 ACM 1-58113-086-4/99/0001).

Wallace et al., "Haskell and XML: Generic Combinators or Type-Based Translation?", IFCP '99 Paris, France (©1999 ACM 1-58113-111-9/99/0009).

"XML Path Language (Xpath)", Version 1.0, W3C Working Draft, 9 July 1999 (www.w3.org/1999/07/WD-xpath-19990709).

US Patents

Hill et al	6,023,714
Lee et al	6,061,696
Duane et al	6,243,721
Kaczmarski et al	6,314,424
Sundaresan	6,487,566
Srivastava et al	6,549,922
Roberts et al	6,560,633
Sundaresan	6,569,207
Roberts et al	6,585,778
McCauley et al	6,631,498
Zintel et al	6,725,281
Brooke et al	6,748,569

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17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M Stevens whose telephone number is (703) 605-4367. The examiner can normally be reached on M-F 7:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (703) 305-9792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Robert M. Stevens
Art Unit 2176
Date: June 9, 2004

rms


JOSEPH FEILD
SUPERVISORY PATENT EXAMINER